

SAH
15/4
Previous references.

File No. 64-10

1901.
(Prisons)

Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1604

Part B. for April 12

SUBJECT.

Dereliction of duty on the part of Mr. J. S. Nairappa, while he was the Superd of the Dt Jail. Mysore-

Table of contents.

- (1) From the Dy. of Prisons No. $\frac{529}{75-07}$ D. 16.5-11
Reports that undertrial prisoner Bonna died of Small Pox in Mysore and on enquiry it was made out that Mr. Nairappa deliberately omitted vaccinating him as required by the Lockup rules
- (2) To the Dy. of Prisons No. 3302 D. 29.5-11
Requests him to send the papers on the Subject together with the explanation of Mr. Nairappa
- (3) From the Dy. of Prisons No. $\frac{720}{75-07}$ D. 6-7-11
Forwards the copies of correspondence together with Mr. Nairappa's explanation

GENERAL AND REVENUE SECRETARIAT.

(Prisons)

NOTES.

File No. 64-10

FILE HEADING.

Dereliction of duty on the part of Mr J. S. Nanjappa, while he was the Superintendent of the Dist. Jail at Mysore.

From

The Inspector General of Prisons at Mysore

No. 548/75-07 Dated 16.5.11 Received 17.5.11.

Diary No. 72972

Enclos. -

Spare Copies -

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Reports that an undertrial prisoner of the Mysore District Jail, Bomma by name, died of small pox in that jail, and that on enquiry it has been ascertained that the then Supdt., Mr J. S. Nanjappa, had deliberately disobeyed the standing orders of Government by not vaccinating this prisoner on admission.

NOTES AND ORDERS.

Flag S.

1 Rules 26A and 26B of the Mysore Jail manual requires that every prisoner, (with certain exceptions) should be vaccinated on admission.

Serial
No.

into a jail without reference to his own wishes and that a register in a prescribed form should be maintained, in the jail, showing whether the operation was effective or otherwise.

2 The death which the D. G. now brings to the notice of Government took place on the 5th ^{May} ~~April~~ 1910. The D. G. reports that on enquiry he has ascertained that Mr. Nanpappa had deliberately disobeyed the standing orders of Government in not vaccinating the prisoners in question. No papers connected with the enquiry have been sent to this office with the report of the case.

3 Submitted for orders.

Cf 118 SR(11)
18/5/11
10/5

19/5/11 *SD*

See?

Serial
No.

4 The papers, if any, on the subject and the explanation of Mr Nanjappa may be called for.

18/5/11
5 Approved M.N.

25/5/11

28/5/11

28/5/11

6 Ptnp draft
26/5/11

7 Draft submitted

26/5/11

8 Issued
26/5/11

Ins
9/6

To

The J. G. of Prisons. No 3302 of 28.5.11
Requests him to submit the papers, if any, on the subject, together with the explanation of Mr Nanjappa

Serial
No.

3 From the Jy Inspector-General of Prisons
10720/75-27 of 6.7.44.
Forwarded copy of correspondence and the
Explanation of Mr. Nanyappa
of Subd for orders.

10720/75-27 of 6.7.44

1077/4 "7-11" 10 Rule 29A refers to
Lock-ups while 26A refers to jails.
It is the latter that is applicable to
Alipore.

11/7/44 SD

Secy. The papers maybe recorded with
an expression of regret that an officer
of Mr Nanyappa's standing should
have been ignorant of an important
rule concerning his duties as the medical
& administrative officer in charge of a jail.

Draft to be submitted to P.C. & Dewan
CSB

18/7/44

SD

18/7/44

Draft

12 Draft Submitted.

AS 64. SW(11)
18-7-44

19/7/44 SD

Serial
No.

13

all

Please read rule 26 A. again. It does not require Undertrial prisoners to be vaccinated on admission. Mr. Nanjappa seems to be right - The rule 29 A in the Lock up rules also bears this out. Mr. Nanjappa was consistent in his action.

14 If every Undertrial is to be vaccinated, a new rule seems to be necessary. What is the rule in Madras

15 - Bombay?

was Bomma
a man "Committed 21/7/11
for trial"?

16

The answer to the point raised above depends upon whether a prisoner 'Undertrial' is the same as one 'Committed for trial' or whether the latter term means one committed to the sessions. In rules 115 & c of the Mysore Jail Manual where a distinction is

File No.

64

of 1960

6

Serial
No.

is made between the two classes of prisoners the terms used are "Prisoners under trial before the Magistrate" and "Prisoners Committed to the Sessions".

17 Rule 26 A lays down that "Prisoners Committed for trial" are to be vaccinated without reference to their wishes and it is not therefore clear from this rule whether "Prisoners under trial" are exempt from compulsory vaccination. Kind attention is also invited to Rule 118 of the Mysore Jail Manual wherein it is laid down that prisoners under trial or committed to the Sessions must conform to the Rules of the prison.

18 The practices in Madras and Bombay are governed by Rules 778 and 872 of the Madras & Bombay Jail Manuals respectively. It appears from these Rules that in Madras all prisoners are vaccinated while in Bombay only convicted prisoners and those confined for keeping the peace &c are vaccinated without reference to the wish of the prisoners.

19 The prisoner ~~known~~ referred to in the present case was, as reported in H.S. letter No. 549/75-07 of 16.5.11, "an under-trial prisoner confined in the Mysore jail in connection

Serial
No.

Connection with a charge of dereliction in case
No 75-709-10 in the file of the Sub-Division Art Court
and 1st Class Magistrate, Mysore.

Subdgr orders.

26.10.17.

26/17/4

I respectfully beg to
submit that rule 26A
applies to all classes of prisoners whether
convicted or under trial or committed to
the Sessions. The expression "committed
for trial" adopted in the rule seems to
include "prisoners under trial" before a Magistrate
as well as "prisoners committed for trial"
before a Sessions Court. It does not seem
to bear the same meaning as "committed
to the Sessions" used, for instance, in
rule 115 of our Jail Manual. In rule 26A
it is used to describe all classes
of prisoners who are confined pending their
trial as contradistinguished from the
other classes of prisoners viz those under
sentence or detained on requisition of

Security. The rule applies to "Every prisoner
received into jail" - (Please see opening words of
the rule) and if it was intended to make
an exception of any particular class of

Serial
No.

24

Draft order may be approved

Dewan

107874
11/8/12

12994
14-8-11
2 books

25 I am unable to concur in the course proposed. A man under trial before a Magistrate is ordinarily called "accused". And in any case the words in Rule 26A explaining the terms "Every prisoner" do not mention under trials before Magistrates. The practice in the Mysore jail has been in accordance with this interpretation. Moreover there is nothing to show that the Quipna Braccinate Komma was "celebrate" -

26 Any extension of the term Prisoner to under trials before Magistrates would require great sanction. I do not very much hesitate to sanction such extension -
1000 1 Feb 12

Resubmit to 1st

CSB
3/2/1912

27 Please put up fresh draft
Pm, 5724/12
3/2/12 P.T.O

Serial
No.

Fresh draft put up.

AR 64. (11)
7/2/11

18/2/12. SD

18/2/12

approved HPA
13/2/12

may the draft issue now.

14/2/12. SD

Sec 7

Issue

CSB
28/2/12
M.

B
8/4/12

Serial
No.

4

To the Qq. of Pris no. no J. 2924/Pris 64. 10. 4
D) 3.4.12.

Records the explanation of M. J. S.
Nanjappa and observes that, ~~as~~ for
the reason stated, the omission on the
part of M. Nanjappa, to vacate the
prison was ^{not} deliberate.

No. 529
75-07.

92912

Office of the Inspector General
of Prisons in Mysore.

Dated Bangalore, 16th May 1911.

Per 64-10

Sl no 1

From

Lieut.-Col. J.Smyth, M.D., I.M.S.,
Inspector General of Prisons in Mysore.

To

C.S.Balasundaram Iyer, Esqr., B.A.,
Offg. Secretary to the Government of H.H.
the Maharaja of Mysore, Genl. and Rev. Depts

Sir,

I have the honor to report that Bomma, an under-trial prisoner confined in the Mysore District Jail in connection with a charge of dacoity under Sec. 395, Indian Penal Code, in case No. 75 of 1909-10 on the file of the Sub-Division Assistant Commissioner and I class magistrate of Mysore, developed small pox on the 24th April 1910 and died of it on the 5th of the following month. On enquiry it has been ascertained that the then Superintendent, Mr. T.S.Nanjappa, had deliberately disobeyed the standing orders on the subject, by not vaccinating this prisoner on admission.

I have the honor to be,

Sir,

Your most obedient servant,

The undersigned

For Inspector General of Prisons.



III
17/5/20. P. No

196

Secy/

From

The Inspr Genl of
Prisons in Mysore.

To

The Secy. to Govt.
- Genl Secy. Sept 16/11.

Dated 16th May 1911.

Despatched

Received

General No. 549

No. 75-7.

Enclosure No.

Reports that the Mysore Jail
Supt. Mr J. S. Kanjappa had
deliberately disobeyed the standing
orders re vaccination of an
under-trial prisoner named Bomma
who died of small pox on 24.4.10.

✓

27/5 G.R.S. 26]

Pris File No. 64-10

Serial No. 2.

Diary No. of letter replied to 2912

No. 3302.

General and Revenue Secretariat

(Prisons)

, the

19 .

To

The J. G. of Prisons
in Mysore

Date of issue 25-5-11

Signed by Mr. S. V. Srinivasan

His letter No. 5219/15-9,
dated the 16th May 1911
reporting that one an
undertrial prisoner.
Bomme by name,
confined in the Mysore
Jail died of
Small pox on the
5th May 1910 and that
on enquiry it has been

over.

SUBJECT.

ascertained that the
then Supdt. of that
Jail, Mr D. S. Nanyappa,
had deliberately
disobeyed the standing
orders of Govt on the
subject by not
vaccinating the
prisoners an admission

With reference to
the above has the honor
to request that the
papers, if any, regarding
the enquiry made by
the Inspector General,
together with the explanation
of Mr Nanyappa in the
matter, may be forwarded
for the orders of Govt
at an early date

By order

For Jy. Secretary

List of enclosures,

Copied by

Examined by

27/5/11

616 DEN all
26/5/11 26/5

741/182
196
From
The Insp^r Genl of Prisons
in Mysore.

To
The Secy to Govt
Genl & Rev Dep^ts.

Dated 6th July 1911.

Despatched

Received

General No. 720
No. 75-07.

Enclosure No. 7.

Forwards certain copies of
papers regarding the enquiry
into the case of not vaccination
under trial prisoner Bomma of
the Mysore Jail soon after his
admission, together with a copy
of Mr Nanjappa's explanation
in the matter.

No. 720
75-07. Encls. 7.

Office of the Insp. Genl. of Prisons
in Mysore,

Dated Bangalore, 6th July 1911.

From

P. S. Achyuta Rao Esqr.,

Offg. Inspector-General of Prisons in Mysore.

To

C.S. Balasundaram Iyer Esqr., B.A.

Offg. Secretary to the Government of H.H.

the Maharaja of Mysore, Genl. & Rev. Depts.

Sir,

As desired in your No. J.3302/Pris.64-10-2 dated the 29th May 1911, I have the honor to forward herewith copies of the

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|---|----------|
| ----- | margi- |
| 1. Letter No.888 dated the 1st May 1910 from the Offg. Superin- | nally |
| tendent, Mysore Jail, to the Inspector-General of Prisons. | |
| 2. Docket No.517/75-07 dated the 5th May 1910 from the Inspector- | noted |
| General of Prisons to the Offg. Superintendent, Mysore Jail. | |
| 3. Docket No.495/75-07 dated the 6th May 1911 from the Inspector- | papers |
| General of Prisons to the Superintendent, Mysore Jail. | |
| 4. Letter No.243 dated the 11th May 1911 from the Superintendent, | regard- |
| Mysore Jail, to the Inspector-General of Prisons. | ing the |
| 5. Explanation of Mr. Nanjappa (letter No.2513 dated 15th June | enquiry |
| 1911, from the District Medical & Sanitary Officer, Tumkur, | |
| to the Senior Surgeon, Mysore Government). | into the |
| 6. Docket No.676/75-07 dated the 28th June 1911 from the Offg. | case of |
| Inspector-General of Prisons to the Superintendent, Mysore | |
| Jail | |
| 7. Letter No.321 dated the 1st July 1911 from the Superintendent, | not vac- |
| Mysore Jail to the Offg. Inspector-General of Prisons. | inating |
| ----- | |

under-trial prisoner Bomma of the Mysore Jail soon after his admission together with a copy of Mr. Nanjappa's explanation in the matter.

2. It seems to me that Mr. T.S.Nanjappa has failed to grasp the gravity of the situation and has merely quibbled with words "convicted" and "under-trial" as would be seen from his explanation.

3. The rule to vaccinate every prisoner admitted into the Jail was there sure enough. He could not have seen through the Jail Manual carefully.

4. The only excuse that can be pleaded on his behalf is since
there

5

there is a distinct Government ruling that under-trial prisoners should not be inoculated against Plague with the Plague prophylactic serum he took it for granted that under-trial prisoners should not be vaccinated as well. It would have been more to his interest if he had frankly confessed that he was not aware of Government Order No. J.943-4 dated the 26th December 1902. *u*

I have the honor to be,

Sir,

Your most obedient servant,

J. J. A. A. A. A. A.

Offg. Inspector-General of Prisons.

E

T.C.G.

Letter No. 888 dated the 1st May 1910 from T.S.Nanjappa Esqr., Superintendent, Mysore Jail; to Lt.-Colonel J.Smyth M.D., I.M.S., Inspector-General of Prisons in Mysore, Bangalore.

- - - - -

I have the honor to report that an under-trial prisoner by name Bomma, a native of Matagiri, Heggadadevankote Taluk, was admitted into this Jail on 20th April 1910. He got fever on the 22nd idem and was kept separately under observation and treatment and has since developed small pox. He is segregated quite apart from other prisoners. I may mention here that all the prisoners except the under-trials, on admission, are invariably vaccinated.

" C O P Y "

J. S. Nanjappa

Offg. Inspr. Genl. of Prisons.

Docket No.517/75-07 dated the 5th May 1910 from the Inspector-General of Prisons in Mysore; to the Offg. Superintendent, Mysore Jail.

- - - - -

His No.888 dated the 1st instant, reporting that an under-trial prisoner, Bomma by name, has developed small-pox in his Jail and mentioning that all prisoners, except the under-trials, are being invariably vaccinated, on admission.

- - - - -

Has the honor to request that he will be good enough to vaccinate under-trial prisoners too as required in Sec. 26A of the Mysore Jail Manual and all prisoners (convicts) who have not been vaccinated during the last five years.

"C O P Y "



Offg. Inspr. Genl. of Prisons.

Docket No.495/75-07 dated the 6th May 1911 from Lt.-Colonel J.Smyth M.D., I.M.S., Inspector-General of Prisons in Mysore; to E.S.Krishnaswamy Iyer Esqr., Superintendent, Mysore Jail.

- - - - -

Has the honor to invite his attention to his letter No. 888 dated the 1st May 1910 and to request that he will be good enough to intimate why under-trial prisoner Bomma therein referred to was not vaccinated on admission - as required by Section 26A of the Mysore Jail Manual.

" C O P Y "



Offg. Inspr. Genl. of Prisons.

Letter No.243 dated the 11th May 1911 from E.S.Krishnaswamy Iyer Esqr., Superintendent, Mysore Jail; to Lt.-Colonel J.Smyth M.D., I.M.S., Inspector-General of Prisons in Mysore, Bangalore.

- - - - -

With reference to your No.495/75-07 dated 6th May 1911, I have the honor to report that at the time under-trial prisoner Bomma was admitted, under-trial prisoners were not being vaccinated on their admission, but since then they are all invariably vaccinated, as soon as they are admitted into the Jail. It was an error.

" C O P Y " .



Offg. Insp. Genl. of Prisons.

Letter No.2513 dated 15-6-11, from the District Medical and Sanitary Officer, Tumkur District, to the Senior Surgeon, Mysore Government, Bangalore.

- - - - -

With reference to your docket No.5880, dated 6/8-6-11, calling upon me to explain why under-trial prisoner Bomma who was admitted into the Mysore Jail on 20th April 1910, was not vaccinated as required by Section 26 A of the Mysore Jail Manual, I beg to state that I could not find Section 26 A in the Manual, but Section 29 A of the Mysore Lock-up Rules is worded as follows "Convicted prisoners in Lock-ups shall be vaccinated whenever practicable without reference to their wishes"; and that since Bomma referred to in the above was only an under-trial, he was not vaccinated.

- - - - -

" C O P Y "

(Sd.) S.V.Ramaswamy Iyengar

Personal Assistant

For Offg. Senior Surgeon, M.G.

" C O P Y "

J. S. Acharya

Offg. Insp. Genl. of Prisons.

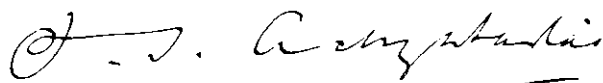
Docket No.676/75-07 dated the 28th June 1911 from P.S.
Achyuta Rao Esqr., Offg. Inspector-General of Prisons in Mysore,
to E.S.Krishnaswamy Iyer Esqr., Superintendent, Mysore Jail.

- - - - -

Has the honor to request that he will kindly go over the
office copy of the Mysore Jail Manual at Mysore Jail and intimate
whether the printed slip showing Section 26 A and B as added in
Government Order No. J.943-4 dated 26th December 1902 is to be
found attached therein or not.

- - - - -

" C O P Y "



Offg. Inspr. Genl. of Prisons.

Letter No.321 dated the 1st July 1911 from E.S.Krishnaswamy Iyer Esqr., Superintendent, Mysore Jail; to P.S.Achyuta Rao Esqr., Offg. Inspector-General of Prisons in Mysore, Bangalore.

Adverting to your No.676/75-07 dated 28th June 1911, I have the honor to report that the printed slip showing Section 26 A and B as added in Government Order No.J.943-4 dated 26th December 1902 to the Mysore Jail Manual is attached therein at the proper place.

" C O P Y "



Offg. Inspr. Genl. of Prisons.

✓
G.R.S. 28.]

13

3/6/12

ab

Pis File No. 64-10
Serial No. 4

Diary No. of letter replied to

Proceedings of the Government of His Highness
the Maharaja of Mysore.

GENERAL AND REVENUE
SECRETARIAT.
(: Pis)

READ--

Letter no 549/75-07 dated

, the

19

Date of issue 3-4-12

Signed by M B Narasimamurthy

16th May 1911 from the D.P. of Prisons in

Mysore, reporting that Mr. T. C. Nanjappa

when he was Superintendent of the

Mysore Jail, deliberately disobeyed the

ORDER THEREON. No.

standing order of Govt in not

vaccinating a prisoner inside

trial on admission into the Jail

2. Correspondence ending with

letter no 720/75-07 of 6th July 1911 from
over the

SUBJECT.

copy
sent
11/11/12

^M
the Offg. D.G. of Prisons forwarding
papers regarding the enquiry into
the case and the explanation of
Mr. D.S. Nanjappa in the matter.

Order time on. No. J2924/Pris64-10-4 93-4-12

Recorded.

~~It is essential that~~ A man
under trial before a magistrate
is ordinarily called "accused"
and ~~that~~ the words in rule 26A
of the Mysore Jail Manual explaining
the terms "every prisoner" do not
mention under trials before magistrates.

May 5.

There is nothing to show that
the omission to vaccinate the
prisoner was deliberate.

28/11/12

For Offg. Secy

To The D.G. of Prisons.

19/12/12

(Doc A864.
7/2/14)